

ASSEMBLY, No. 974

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman GEIST

1 AN ACT concerning criminal gang membership and supplementing
2 Title 2C of the New Jersey Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. a. Notwithstanding any other provision of law to the contrary,
8 any person who actively participates in any criminal street gang with
9 knowledge that its members engage in or have engaged in a pattern of
10 criminal gang activity, and who willfully promotes, furthers, or assists
11 in any criminal conduct by members of that gang is guilty of a crime
12 of the fourth degree.

13 b. As used in this section:

14 (1) "criminal street gang" means any ongoing organization,
15 association, or group of three or more persons, whether formal or
16 informal, having as one of its primary activities the commission of one
17 or more of the criminal acts enumerated in this section, having a
18 common name or common identifying sign or symbol, and whose
19 members individually or collectively engage in or have engaged in a
20 pattern of criminal gang activity.

21 (2) "pattern of criminal activity" means the commission or
22 attempted commission of any of the following crimes:

23 (1) murder;

24 (2) kidnapping;

25 (3) gambling;

26 (4) promoting prostitution;

27 (5) obscenity;

28 (6) robbery;

29 (7) bribery;

30 (8) extortion;

31 (9) arson;

32 (10) burglary;

33 (11) theft and related crimes;

34 (12) forgery and fraudulent practices;

35 (13) unlawful manufacture, purchase, use or transfer of firearms;

1 (14) unlawful possession or use of destructive devices or
2 explosives; or

3 (15) violation of chapter 35 of Title 2C of the New Jersey Statutes.
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5 2. This act shall take effect immediately.
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STATEMENT

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10 This bill would make it a crime of the fourth degree for any person
11 to actively participate in any criminal street gang with the knowledge
12 that its members engage in a pattern a criminal gang activity. The bill
13 defines criminal street gang as any ongoing organization or group of
14 three or more persons having as one of its primary activities the
15 commission of one of the crimes enumerated in the bill and having a
16 common name or common identifying sign or symbol, and whose
17 members individually or collectively engage in or have engaged in a
18 pattern or criminal gang activity. The bill goes on to identify pattern
19 of criminal activity to mean the commission or attempted commission
20 of any of the following crimes: murder, kidnapping, gambling,
21 promoting prostitution, obscenity, robbery bribery, extortion, arson,
22 burglary, theft and related crimes, forgery and fraudulent practices,
23 unlawful manufacture, purchase, use or transfer of firearms, unlawful
24 possession or use of destructive devices, or any drug violation.
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30 Makes it a crime of the fourth degree to participate in criminal street
gangs.